ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

C A P. XXVIII.

An Act to assimilate the Law in *Ireland*, as to the Punishment of Death, to the Law in *England*; to abolish the Punishment of Death in certain Cases in *Ireland*, and to substitute other Punishments in lieu thereof. [18th *June* 1842.]

WHEREAS it is expedient to alter and amend various Statutes now in force in *Ireland* relative to certain Offences by the said Statutes now punishable with Death, and to assimilate the Law in *Ireland* as to the Punishment of Death in certain Cases to the Law in *England*: And whereas by an Act passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to prevent Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual Punishment of Bigamy*, it was amongst other things enacted, that if any Person pretending to be a Popish Priest, or any degraded Clergyman, or any Layman pretending to be a Clergyman of the Church of *Ireland* as by Law established, should, after the Twenty-fifth Day of *April* in the Year of our Lord One thousand seven hundred and twenty-six,

Recital of 12 G. 1. c. 3. s. 1. (I.) inflicting the Punishment of Death on Popish Priests, or degraded Clergymen, or pretended Clergymen, celebrating

Marriages between Protestants or between a Protestant and a Papist.

celebrate or take upon him to celebrate any Marriage between Two Protestants or reputed Protestants, or between a Protestant or reputed Protestant and a Papist, such degraded Clergyman, and Layman pretending to be a Clergyman, should be and was thereby declared to be guilty of Felony, and should suffer Death as a Felon, without Benefit of Clergy: And whereas it is expedient that none of the said Offences should be henceforth punishable with Death: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person shall, after the Commencement of this Act, be convicted of any of the Offences herein-before mentioned, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable to be transported beyond the Seas for Seven Years: Provided always, that nothing in this Act contained shall alter or in anywise affect the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal certain Penal Enactments made in the Parliament of* Ireland *against Roman Catholic Clergymen for celebrating Marriages contrary to the Provisions of certain Acts made in the Parliament of* Ireland.

Transportation for Seven Years substituted for the Punishment of Death for the Offences herein mentioned.

Recital of 11 G. 2. c. 5. (I.) inflicting the Punishment of Death for burning or destroying Ships by Owners, Masters, or Mariners.

II. And whereas by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act for enforcing and making perpetual an Act, intituled* '*An Act for preserving all such Ships, and Goods thereof, which* '*should happen to be so forced on shore or stranded upon the Coasts of* '*this Kingdom, and also for inflicting the Punishment of Death on* '*such as should wilfully burn or destroy Ships*,' it was among other things enacted, that for the effectual preventing the wilful casting away, burning, or otherwise destroying of Ships by the Owners, Masters, and Mariners thereof and thereto belonging, if any Owner of, or Captain, Master, or Mariner, or other Officer belonging to any Ship should, after the Twenty-fifth Day of *March* which should be in the Year of our Lord One thousand seven hundred and thirty-eight, wilfully cast away, sink, burn, or otherwise destroy the Ship of which he was the Owner, or unto which he belonged, or in any Manner otherwise direct and procure the same to be done, to the Prejudice of any Person or Persons, Bodies Politic or Corporate, that should underwrite or execute any Policy or Policies of Insurance thereon, or of any Merchant or Merchants that should load Goods thereon, and should be lawfully convicted thereof, such Person or Persons so offending should be adjudged guilty of Felony, and should suffer Death without Benefit of Clergy, or of the Statute made in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act for taking away the Book in all Cases, and for repealing Part of the Statute for transporting Felons*: And whereas it is expedient that none of the herein-before last-mentioned Offences should henceforth be punishable with Death; be it therefore enacted, That if any Person shall, after the Commencement of this Act, be convicted of any of the Offences herein-before last mentioned, such Person shall not suffer Death, or have Sentence of

9 Ann. (I.)

Transportation for Life or not less than Fifteen Years, &c.

Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Offender, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

substituted for the Punishment of Death for the Offences herein mentioned.

III. And whereas by an Act passed in the Parliament of *Ireland* in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act to prohibit the Return into this Kingdom of such of His Majesty's Subjects as now are, or at any Time hereafter shall be, in the Service of the* French *King*, it was enacted, that every Person, being a natural-born Subject of this Kingdom, who then was or hereafter should be an Officer, Soldier, or Mariner in the Service of the *French* King, who should land or should be found in *Ireland*, or should be found on board any Ship, Vessel, or Boat, being so on board with intent to land in this Kingdom, and every Person or Persons who should within this Kingdom knowingly aid, abet, conceal, comfort, or succour any such Officer, Soldier, or Mariner returning into this Kingdom, should stand and be adjudged guilty of Felony without Benefit of Clergy, and should suffer and forfeit as Persons attainted of Felony by the Laws of the Land ought to suffer and forfeit: And whereas it is expedient to repeal the said last-recited Act; be it therefore enacted, That the said recited Act, and the several Matters therein contained, shall from and after the Commencement of this Act be and the same are hereby repealed.

29 G. 2. c. 5. (I.), prohibiting Persons serving the French King, repealed.

IV. And whereas by an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of King *George* the Third, intituled *An Act for establishing a Bank by the Name of the Governors and Company of the Bank of* Ireland, it was amongst other things enacted, that if any Officer or Servant of the Governor and Company of the Bank of *Ireland*, being intrusted with any Note, Bill, Dividend Warrant, Bond, Deed, or any Security, Money, or other Effects belonging to the said Governor or Company, or having any Bill, Dividend Warrant, Bond, Deed, or any Security or Effects of any other Person or Persons lodged or deposited with the said Company, or with him as an Officer or Servant of the said Company, shall secrete, embezzle, or run away with any such Note, Bill, Dividend Warrant, Bond, Deed, Security, Money, or Effects, or any Part of them, every Officer so offending, and being thereof convicted in due Form of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy: And whereas it is expedient that the said last-mentioned Offences should no longer be punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before last mentioned, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Three Years.

Recital of 21 & 22 G. 3. c. 16. s. 16. (I.) inflicting the Punishment of Death for Embezzlement by Servant of Bank of Ireland of any Note, &c.

Transportation for Life or Seven Years, &c. substituted for the Punishment of Death.

V. And

Recital of 23 & 24 G. 3. c. 20. ss. 1. to 8. (I.) inflicting the Punishment of Death for Obstruction of the Corn Trade, or injuring Storehouses, Vessels, &c. used in the Corn Trade.

V. And whereas by an Act passed in the said Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making satisfaction to the Parties injured*, it was among other things enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled together, should, at any Time after the passing of the said Act, wilfully and maliciously pull down, demolish, set fire to, or destroy, or should begin to pull down, demolish, set fire to, or destroy, any Storehouse, Mill, Granary, Corn Stack, or other Place where Corn, Grain, Meal, Malt, Flour, or Potatoes are usually stored or kept for Exportation or Sale, or should unlawfully enter or break into any such Storehouse, Mill, Granary, or other Place, or take, carry away, throw abroad, or spoil, or attempt by force to take, carry away, throw abroad, or spoil, any Corn, Meal, Malt, Flour, or Potatoes stored or kept therein, or should unlawfully enter on board any Ship, Vessel, or Boat wherein any Corn, Grain, Meal, Malt, Flour, or Potatoes should be laden, and wilfully take, carry away, cast overboard, destroy, or damage any of the said Articles laden therein, or wilfully cut, injure, spoil, or take away the said Ship, Vessel, or Boat, or the Rigging, Furniture, Tackle, or Rudder thereof, or any Part of such Ship, Vessel, or Boat, Rigging, Furniture, or Tackle, or unlawfully, wilfully, and by Force obstruct or prevent, or endeavour to obstruct or prevent, the loading or laying any of the said Articles on board any Ship, Vessel, or Boat, or should unlawfully, wilfully, and by Force prevent, or endeavour to obstruct or prevent, any Ship, Vessel, or Boat laden therewith, or in which any of the said Articles should be laden, from sailing, or should unlawfully, wilfully, and knowingly, and by Force, stop, seize, detain, take, or drive away any Horse, Car, Cart, or Carriage, or Boat, laden with any of the said Articles, on the Way to or from any Mill, Store, Granary, or Market, Seaport or Place of Shipping, with a view or intent to prevent the Corn, Grain, Meal, Malt, Flour, Bread, Biscuit, or Potatoes therein or laden thereon, or any Part thereof, from being taken to the House, Vessel, Storehouse, Place, or Person to which it was intended to be carried, or should wilfully kill or maim any Horse or Horses or other Beast or Beasts laden therewith, or should wilfully and forcibly cut or otherwise break or destroy any of the Sacks, or scatter or throw abroad any of the aforesaid Articles, wherewith such Car, Cart, Carriage, Horse, or Boat might or should be laden, or take away or distribute, or compel the Owner, Driver, or Conductor thereof to distribute, sell, or otherwise dispose of any such Article wherewith such Car, Cart, Carriage, Horse, or Boat might or should be laden, or take away or distribute, sell, or otherwise dispose of any such Article wherewith such Car, Cart, Carriage, Boat, Horse, or other Beast is laden, or any Part thereof, or should wilfully destroy any Weir, Sluice, Mill Dam, Drain, or Outwork belonging or appertaining to any Mill, every such Person so offending in any of the said Matters, and all Parties unlawfully, riotously, or tumultuously assembled who should aid or assist in the Commitment or the attempting to commit any of the said Offences, being thereof lawfully convicted, should be adjudged Felons, and suffer Death as in the Case of Felony without Benefit of Clergy: And whereas

whereas it was by the said last-recited Act further enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled together, should unlawfully and with Force demolish or pull down, or begin to demolish or pull down, or wilfully set fire to, or break into or attempt to break into, any Building, Dwelling House, Warehouse, Workshop, Workhouse, Mill, Granary, Storeroom, Barn, Stables, or any House, Building, or Outhouse whatsoever, every such demolishing, pulling down, breaking into, setting fire to, or beginning to demolish or pull down, or attempting to break into or set fire to, should be adjudged Felony without Benefit of Clergy, and the Offenders therein, being thereof lawfully convicted, should be adjudged Felons, and suffer Death as in case of Felony without Benefit of Clergy: And whereas it was by the said last-recited Act further enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled, should unlawfully and by Force, in the Day or Night, destroy or begin to destroy any Machine or Part of a Machine, or any Tool or Utensil, used or intended to be used for the Purpose of Manufacture, or should unlawfully or by Force cut, break, or destroy any Goods manufactured or unmanufactured, or if any Person or Persons should wilfully or maliciously set fire to, burn, demolish, pull down, or otherwise destroy any Fire Engine or other Engine erected for draining Water from any Colliery or Mine, or for raising Coals or Minerals out of any Colliery or Mine, every Person convicted thereof should be adjudged a Felon, and suffer Death as in the Case of Felony without Benefit of Clergy: And whereas it is expedient that the said last-mentioned Offences should no longer be punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation for Seven Years, &c. substituted for the Punishment of Death.

VI. And whereas by an Act passed in the said Parliament of *Ireland* in the Twenty-seventh Year of the same Reign, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths*, it was among other things enacted, that if any Persons, to the Number of Twelve or more, being unlawfully, riotously, and tumultuously assembled to the Disturbance of the public Peace, at any Time after the Twenty-fifth Day of *March* One thousand seven hundred and eighty-seven, and being required or commanded in the King's Name, by any One or more Justice or Justices of the Peace, or by the Sheriff of the County or his Under-Sheriff, or by the Mayor, Sheriff, Bailiff or Bailiffs, or other Head Officer or Justice of the Peace of any City or Town Corporate where any such Rising or Assembly should be, by Proclamation made in the King's Name, in the Form in the said now being recited Act after directed, to disperse themselves, and depart to their Habitations, should, to the Number of Twelve or more, notwithstanding such Proclamation made as aforesaid, unlawfully, riotously, and tumultuously remain or continue together as aforesaid for the Space of One Hour

Recital of 27 G. 3. c. 15. ss. 1. & 3. (I.) inflicting the Punishment of Death for tumultuous Risings and Assemblies;

after such Proclamation made as aforesaid, then such continuing together as aforesaid, to the Number of Twelve or more, after such Proclamation made as aforesaid, should be adjudged Felony without Benefit of Clergy, and the Offenders therein, being by due Course of Law thereof convicted, should be adjudged Felons, and should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it was by the said last-recited Act further enacted, that if any Person or Persons should, by Threats, Messages, or with Force, wilfully or knowingly oppose, obstruct, let, or hinder any Person or Persons who should begin to proclaim, or go to proclaim, according to the Proclamation thereby directed to be made, whereby such Proclamation should not be made, then every such threatening, opposing, obstructing, letting, hindering, or hurting any such Person or Persons so beginning or going to make such Proclamation as aforesaid should be adjudged Felony without Benefit of Clergy, and the Offenders therein, being by due Course of Law thereof convicted, should be adjudged Felons, and should suffer Death as in Cases of Felony without Benefit of Clergy; and that also every such Person or Persons so being unlawfully, riotously, and tumultuously assembled, to the Number of Twelve or more, as aforesaid, to whom Proclamation should or ought to have been made if the same had not been hindered as aforesaid, should likewise, in case they or any of them, to the Number of Twelve or more, should continue together in manner aforesaid, and not disperse themselves within One Hour after such Let or Hinderance so made, having Knowledge of such Let or Hinderance, be adjudged Felons, and being by due Course of Law thereof convicted should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it is expedient that the said last-mentioned Offences should be no longer punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

and for opposing Proclamations, &c. being made.

Transportation for Life or not less than Fifteen Years, &c. substituted for the Punishment of Death.

VII. And whereas it was by the last-recited Act of the Twenty-seventh Year of the Reign of King *George* the Third further enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled, should unlawfully and with Force demolish or pull down, or begin to demolish or pull down, any Church or Chapel for the Celebration of Divine Service according to the Usage of the Church of *Ireland*, or any Building used for Religious Worship, or if any Person or Persons should wilfully burn or set fire to, or should maliciously fasten up, any Church or Chapel or other Building for Religious Worship as aforesaid, or by Threats or Force prevent or obstruct any Clergyman from officiating or celebrating Divine Service therein, or should maim or hurt any Clergyman officiating or performing, or about to officiate or perform, Divine Service therein, then every such demolishing or pulling down, or beginning to demolish or pull down, or burning or setting fire to, fastening up,

Recital of 27 G. 3. c. 15. s. 5. (I.) inflicting the Punishment of Death for riotous assembling to pull down or injure Churches, &c.;

up, preventing or obstructing, maiming or hurting, should be adjudged Felony without Benefit of Clergy, and the Offenders therein, being by due Course of Law thereof convicted, should be adjudged Felons, and should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it was by the said last-recited Act further enacted, that if any Person or Persons should dig, erect, or provide, or cause or procure to be dug, erected, or provided, any Grave, Gallows, or Gibbet, or any Instrument for inflicting bodily Pain or Punishment, in order to induce or compel any Person or Persons to enter into, support, maintain, or assist in any unlawful Combination or Agreement whatsoever, or in order to deter or prevent any Person from giving Evidence in any Suit or Prosecution, Civil or Criminal, or to prevent the Collection of any lawful Rates or Taxes, or should make use of any Manner of Force, or inflict or threaten to inflict any Manner of bodily Pain or Punishment whatsoever, or destroy or threaten to destroy the Property of any Person, in order to induce or compel any Person to enter into, support, or maintain, or assist in any unlawful Combination or Conspiracy whatsoever, or to prevent the Collection of any such Rates or Taxes, or to deter or prevent any Person from giving Evidence in any Suit or Prosecution, Civil or Criminal, or on account of any Persons having declined or refused to enter into any unlawful Combination or Agreement, or on account of any Persons having given Evidence in any Action or Prosecution, Civil or Criminal, every such Person, and all Persons aiding, abetting, and assisting therein, being thereof by due Course of Law convicted, should be adjudged guilty of Felony without Benefit of Clergy, and should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it was by the said last-recited Act further enacted, that if any Person should print, write, post, publish, or knowingly circulate or deliver, or should cause or procure to be printed, written, posted, published, circulated, or delivered, any Notice, Letter, or Message exciting or tending to excite any Riot, tumultuous Meeting, or unlawful Combination or Confederacy, every such Person, being by due Course of Law thereof convicted, should be adjudged a Felon, and suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it is expedient that the said last-mentioned Offences should be no longer punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Three Years.

for deterring Persons from giving Evidence or collecting Rates;

and for issuing Notices to excite Riot.

Transportation for Seven Years, &c. substituted for the Punishment of Death for the Offences herein specified.

VIII. And whereas it was by the said last-recited Act further enacted, that every Person, not lawfully thereunto authorized, who should forcibly seize any Arms or Ammunition belonging to any Person or Persons, or should forcibly, or by Menace or Intimidation, exact or levy from any Person any Contribution in Money or Goods, or should by Insinuation, Menaces, Threats, or Violence cause any Person unwillingly to deliver any Arms or Ammunition, Money or Goods, to any Person or Persons, or Place or Places, and every Person who

Recital of 27 G. 3. c. 15. s. 10. (I.) inflicting the Punishment of Death for seizing Arms or Ammunition, or for voluntarily

supplying the same to assist in committing Offences.

who should knowingly and voluntarily supply Horses, Arms, or Ammunition to any Person or Persons, for the Purpose of assisting any Person or Persons in the Execution of any of the Offences in this Act mentioned, and be by due Course of Law thereof convicted, should be adjudged a Felon, and suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it is expedient that the said last-mentioned Offence should be no longer punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable to be transported beyond the Seas for the Term of his or her natural Life, or for the Term of Seven or Fourteen Years, or be imprisoned, with or without hard Labour, for a Term not exceeding Three Years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall think fit) in addition to such Imprisonment.

Transportation, &c. substituted for the Punishment of Death for the Offences herein specified.

Recital of 32 G. 3. c. 27. s. 4. (I.) inflicting the Punishment of Death for receiving an escaped Prisoner, or assisting in the Escape of a Prisoner from a Penitentiary.

IX. And whereas by an Act passed in the Parliament of *Ireland* in the Thirty-second Year of the Reign of King *George* the Third, intituled *An Act for the employing at hard Labour Persons sentenced to be transported*, it was among other things enacted, that if any Person should receive any Person duly confined in such Penitentiary House, or assist in breaking open the same, in order to free any Person therein duly confined, or should assist any Person so duly confined in making his Escape therefrom, the Person so offending, being duly convicted, should be considered guilty of Felony, and suffer Death as a Felon without Benefit of Clergy: And whereas it is expedient that none of the herein-before last-mentioned Offences should henceforth be punishable with Death; be it therefore enacted,

Imprisonment substituted for the Punishment of Death for receiving any escaped Prisoner.

That if any Person shall, after the Commencement of this Act, be convicted of the Offence of receiving any Person duly confined in such Penitentiary House, such Person, so convicted, shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be imprisoned for any Period not exceeding Five Years.

Assisting in breaking open any such Penitentiary punishable with Transportation.

X. And be it enacted, That if any Person after the Commencement of this Act shall be convicted of assisting in breaking open any such Penitentiary House to free any Person confined therein, or of assisting any Person so duly confined in making his Escape therefrom, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for his or her natural Life, or for the Term of Seven or Fourteen Years, or to be imprisoned, with or without hard Labour, for any Term not exceeding Three Years.

Recital of 51 G. 3. c. 63. s. 6. inflicting the Punishment of Death for a Second Escape from Prison, &c.

XI. And whereas by an Act passed in the Parliament of the United Kingdom in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act to authorize the Punishment by Confinement and hard Labour of Persons in* Ireland *liable to Transportation*, it was enacted, that if any Person ordered to hard Labour as in the said Act mentioned should at any Time during the Term for which he or she should be so ordered to hard Labour break Prison,

Prison, or escape from the Place of his or her Confinement, or from the Person or Persons having the lawful Custody of such Offender, he or she so breaking Prison or escaping should, on Conviction, for the First Escape be punished by doubling the Term of the Service and hard Labour to which he or she was liable at the Time of such Escape, and on Conviction for a Second Escape be adjudged guilty of Felony without Benefit of Clergy, and suffer Death accordingly: And whereas it is expedient that the said recited Offence of a Second Escape from Prison should no longer be punishable with Death; be it therefore enacted, That if any Person shall, after the Commencement of this Act, be convicted of the Offence of a Second Time breaking Prison, or escaping from the Place of his or her Confinement, such Person so convicted shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for his or her natural Life, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation, &c. substituted for the Punishment of Death for the within named Offence.

XII. And whereas by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of King *George* the Third, intituled *An Act for punishing such Persons as shall do Injuries and Violences to the Persons or Properties of His Majesty's Subjects with intent to hinder the Exportation of Corn*, it was among other things enacted, that if any Offender transported under the Provisions of the said Act should return into the Kingdom of *Ireland* before the Expiration of the Term in the said Act mentioned he or she should suffer Death as a Felon without Benefit of Clergy: And whereas by an Act passed in the Parliament of the United Kingdom in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases in* Ireland, it was among other things enacted, that if any Person heretofore sentenced or ordered, or hereafter to be sentenced or ordered to be transported, or who should have agreed to transport or banish himself or herself, on certain Conditions, either for Life or for any Number of Years, should be afterwards at large within any Part of the United Kingdom, without some lawful Cause, before the Expiration of his or her Term of Transportation or Banishment, every such Offender should be guilty of Felony, and should suffer Death as a Felon, and that every such Offender might be tried in the County or Place where such Offender should be found at large, or in the County or Place at which such Sentence or Order of Transportation or Banishment was passed or made: And whereas it is expedient that the said Offences should be no longer punishable with Death; be it therefore enacted, That from and after the Commencement of this Act so much of the said Two last-recited Acts as inflicts the Punishment of Death upon Persons convicted of the Offence therein and herein before specified shall be and the same is hereby repealed, and that every Person convicted of the Offences above specified in the said Two last in part recited Acts shall be liable to be transported beyond the Seas for his or her natural Life, and previously to Transportation shall be imprisoned in any Common Gaol, House of Correction, Prison, or Penitentiary for any Term not exceeding Four Years.

Recital of 11 G. 3. c. 7. (I.) and 9 G. 4. c. 54. s. 16., inflicting the Punishment of Death for returning from Transportation.

Transportation for Life, with previous Imprisonment, substituted for the Punishment of Death for Offences herein specified.

Recital of 9 G. 4. c. 54. s. 17. inflicting the Punishment of Death for killing or wounding Cattle, &c.

XIII. And whereas by an Act passed in the Parliament of the United Kingdom in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to malicious Injuries to Property*, it was among other things enacted, that if any Person should unlawfully and maliciously kill, maim, or wound any Cattle, every such Offender should be guilty of Felony, and being convicted thereof should suffer Death as a Felon: And whereas it is expedient that the said last-mentioned Offence should be no longer punishable with Death; be it therefore enacted, That from and after the Commencement of this Act if any Person shall be convicted of the said Offence herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him or her for the same, but shall be liable to be transported beyond the Seas for any Term not exceeding Fifteen Years nor less than Ten Years, or to be imprisoned for any Term not exceeding Three Years.

Transportation substituted for the Punishment of Death for said Offence.

Recital of 10 G. 4. c. 34. ss. 18, 19, 20. inflicting the Punishment of Death for Rape, &c.

XIV. And whereas by an Act passed in the said Parliament in the Tenth Year of the same Reign, intituled *An Act for consolidating and amending the Statutes in* Ireland *relating to Offences against the Person*, it was among other things enacted, that every Person convicted of the Crime of Rape should suffer Death as a Felon, and that if any Person should unlawfully and carnally know and abuse any Girl under the Age of Ten Years, every such Offender should be guilty of Felony, and being convicted thereof should suffer Death as a Felon: And whereas it is expedient that the said Offences herein-before last specified should no longer be punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him for the same, but shall be liable to be transported beyond the Seas for the Term of his natural Life.

Transportation for Life substituted for the Punishment of Death for Offences herein specified.

Recital of 10 G. 4. c. 34. s. 22. inflicting the Punishment of Death for Abduction, &c.

XV. And whereas by the said last-recited Act it was further enacted, that if any Person should by force take or carry away any Woman or Girl against her Consent, with intent that such Person or any other Person should marry or defile her, any such Offender should be guilty of Felony, and being convicted thereof should suffer Death as a Felon: And whereas it is expedient that the said Offence herein-before last specified should no longer be punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person should be convicted of the said Offence herein-before last specified, such Person shall not suffer Death, or have Sentence of Death awarded against him for the same, but shall be liable to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years.

Transportation for Life or for not less than Seven Years substituted.

Piracy to be punishable by Transportation for Life or for not less than 15 Years, &c.

XVI. And be it enacted, That whosoever shall be convicted of any Offence which by any Act or Acts in force in *Ireland* amounts to the Crime of Piracy, and is thereby made punishable with Death, shall not suffer Death, or have Sentence of Death awarded against him for the

the same, but shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Persons punishable by Transportation under this Act liable to Imprisonment previous to Transportation.

XVII. And be it enacted, That all Persons who shall be convicted of any of the Felonies herein-before specified as Principals or Accessaries before the Fact, and who shall be punishable by Transportation under and by virtue of this Act, shall be liable, previously to their being transported, to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, or to be confined in the Penitentiary, for any Term not exceeding Four Years nor less than One Year, in case the Court before whom such Person shall be convicted shall think fit.

Principal in Second Degree punishable as Principal in First Degree.

XVIII. And be it enacted, That any Principal in the Second Degree or Accessary before the Fact who, in respect of any of the Offences above set forth or referred to, would be punishable with Death, shall instead thereof be punishable in the same Manner as the Principal in the First Degree is by this Act made punishable.

Imprisonment to be with or without hard Labour, or solitary, as the Court may deem meet.

XIX. And be it enacted, That in awarding the Punishment of Imprisonment for any Offence punishable under this Act it shall be lawful for the Court to direct such Imprisonment to be with or without hard Labour in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, whether the same be with or without hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year, as to the Court in its Discretion shall seem meet.

Breach of the Laws for collecting the Revenue in Ireland, punishable with Death under 52 G. 3. c. 143. to be punishable as in England.

XX. And whereas by an Act passed in the Parliament of the United Kingdom in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in breach of or resistance to any Parts of the Laws for collecting His Majesty's Revenue in* Great Britain, it was among other things enacted, that in all Cases where any Act to be done or committed, after the passing of the now-recited Act, in breach of or in resistance to any Part of the Laws for collecting His Majesty's Revenue in *Great Britain*, would, by the Laws then in force, subject the Offender to suffer Death as guilty of Felony without Benefit of Clergy, by virtue of the said Laws or any of them, such Act so to be done or committed should be deemed and taken to be Felony with Benefit of Clergy, and punishable only as such, unless the same should also be declared to be Felony without Benefit of Clergy by the now-recited Act: And whereas it is expedient to assimilate the Law in *Ireland* in that respect with that of *Great Britain*; be it therefore enacted, That when any Act to be done or committed by any Person in *Ireland*, in breach of or in resistance to any Part of the Laws for collecting Her Majesty's Revenue in *Ireland*, would, by the Laws now in force there, subject the Offenders to suffer Death, by virtue of the

the said Laws or any of them, such Act so to be done or committed shall be deemed and taken to be punishable only as such Act if done or committed in *Great Britain* may be punishable by any Act or Acts in force in *Great Britain*.

This Act not to repeal the Prisons Act, 7 G. 4. c. 74.

XXI. And be it enacted, That nothing in this Act contained shall be construed to extend to the Alteration or Repeal of any of the Powers, Provisions, or Regulations contained in an Act made and passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, or in any Act or Acts for amending the same.

Commencement of Act.

XXII. And be it enacted, That this Act shall commence and take effect on the First Day of *October* One thousand eight hundred and forty-two.

Act may be amended this Session.

XXIII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

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